



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004175
Applicant Name: Lindsay Diallo
Address of Proposal: 4017 22nd Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 352 square foot two-story uncovered deck and a 273 square foot terraced garage accessory to an existing single-family structure that will exceed allowed lot-coverage.

The following approval is required:

Variance - to allow the retention and alteration of an existing uncovered deck and the construction of a terraced garage on a single-family lot already non-conforming to (exceeding) lot coverage. Existing deck and stairs are approximately 465 square feet. Altered deck will be approximately 335 square feet. Existing garage to be removed is approximately 495 square feet. Proposed terraced garage will be approximately 278 square feet. Allowed lot coverage is 35 percent. Proposed lot coverage is 45 percent. (SMC 23.44.010.C).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 5,000 square foot site is located in a Residential Single Family 5000 zone (SF 5000) and on the west side of 22nd Avenue Southwest in West Seattle. The site is rectangular and measures approximately 100 feet by 50 feet. The site has a block retaining wall along the street property line with an approximately 6 foot elevation drop from the top of wall / front yard and the grade of the right of way (ROW). The rear (west) side of the site abuts a six foot retaining wall and elevation drop to the abutting lot and has an approximately six foot elevation gain from the top of wall, divided by another block retaining wall, between this property boundary and the rear of the site's single-family structure.

The site's lot coverage is approximately 50 percent (2,519 square feet), which exceeds the allowed lot coverage of 35 percent (1,750 square feet). An existing deck and stairs comprises 465 square feet of this. An existing 495 square foot fully above ground garage comprises 450 square feet of this amount; the remaining 55 square feet is in the ROW.

Vicinity

The surrounding neighborhood is comprised of platted 25 foot by 100 foot, 2,500 square foot lots. Most properties are now combinations of one and one-half or two lots. Structures are a mixture of housing styles, ages and, depending on lot consolidation, a variety of sizes.

Proposal Description

The applicant / current owners are seeking to bring into conformance excessive lot coverage (from the garage and deck), encroachment into the 22nd Avenue SW ROW, and intrusions into the side and rear yards (from the deck and associated stairs) that were constructed without permits by the previous owner(s). These illegally constructed structures do not now, and likely would not at the time of construction, conform to the lot coverage limitations of the zone.

The variance request is to allow lot coverage of 2,212 square feet, or 44 percent of lot area, for retention of a portion of the existing deck and for the construction of a new terraced garage, if an underground garage is not possible. As part of the variance request the applicant proposes to demolish the existing above ground garage in order to remove its encroachment in the ROW and a neighboring property and 450 square foot area on the lot, to remove approximately 130 square feet of the deck's southwest corner that are within the required 5-foot side yard and within 10 feet of a structure on the neighboring parcel, and remove the deck stairs (approximately 67 square feet) that are within the side and rear yards. The existing single-family structure, along with the structures scheduled for demolition and removal, currently result in lot coverage of 2,519 square feet, or 50 percent of lot area.

Public Comments

The 14-day public comment period ended April 5, 2006. One comment letter was received objecting to a two-story garage that would likely block a view to the north of the West Seattle Bridge and Elliot Bay.

Planner's Response. If a fully underground garage is not possible, the one-story terraced garage would extend above existing grade approximately one to two feet.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.***

The subject property has an approximately 6-foot grade gain from the 22nd Avenue SW ROW to the front yard. The rear yard begins a sharp drop in topography beginning approximately 7 feet from the house and continuing to the rear property line, where it then drops steeply onto the abutting parcel to the west. Neither of these conditions was created by the owner / applicants. The front yard grade change was likely caused by grading for the 22nd Avenue ROW and, later, the construction of the existing block wall. The rear yard slope is part of the area's natural topography and exaggerated by the addition of the block walls that create the two small descending tiers of rear yard. The area of the existing house, and consequently lot coverage, were created by previous owners.

Although the Land Use Code allows terraced garages in uphill yards abutting streets, such as here, (SMC 23.44.016.C.3) all above ground portions of the garage are counted in lot coverage. Because of the ROW and front yard elevations, limitations of allowed (down) slope from the ROW to the proposed garage floor, and required Building Code garage entry clear height, the proposed garage may have to be partially above grade, or a terraced garage. If the garage area exposed were limited to the difference between allowed lot coverage (1,750 square feet) and existing lot coverage after removal of the existing garage and decks (1,614 square feet), the garage would be limited to 136 square feet, or approximately 10 feet by 13.5 feet. This area is inadequate for a medium sized vehicle.

The rear yard's down-sloping topography renders the yard difficult to use for typical passive or active yard activities. The applicant / owners purchased the property with the existing 465 square foot deck and 8-foot high stairs connecting the deck and yard. The lower level of the structure (beneath the deck level) is a partial unfinished basement / crawl space. It has no internal connection to the upper (deck) level of the house, nor is the construction of one possible. The applicant proposes to remove portions of the deck in the side and rear yards that are within 10 feet of a structure on the neighboring property and the stairs that encroach into the required rear yard. As a result, the deck lot coverage would decrease to 335 square feet. The deck alteration would include a second level above the existing level and a spiral stairway connecting both levels to the ground, neither of which would increase the resulting 335 square feet of lot coverage. Not allowing the retention of this moderately sized deck would preclude the use of the rear yard for active or passive activities.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.***

The square footage of the existing structure (less the garage to be removed and deck) and the topographic site conditions set the parameters of what additional lot coverage is possible and whether on-site covered parking and practical rear yard use can be provided.

The applicant's preference is to build an underground garage, and DPD will require this if possible. However, due to the grade constraints and building specification parameters listed in the previous section, a terraced garage, with either the entire roof or only portions of the roof above grade, may be the only option for allowing on-site enclosed parking. Given the lot coverage of the existing residential structure, a terraced garage within the maximum 1,750 allowed lot coverage, would be limited to 136 square feet, too small for vehicle storage. Consequently, the variance request is for an approximately 278 square foot garage, a reasonable amount necessary to afford relief from the site constraints. (The overall garage dimensions would be 10.5 feet by 26.5 feet. The length between an 18-foot parking area and the garage door is for the down-slope of the garage entry. The effective parking area would be 189 square feet).

The applicant proposes to retain most of the deck that extends the length of the west side of the house. The deck, which for most of its length is 8 feet in depth but with one 10-foot portion, connects two existing exit doors on the deck level. The proposal is to add a smaller upper level deck to connect to a pre-existing exit door on this level. A spiral stairway connecting both decks with the ground will be installed within the foot-print of the deck areas. This would allow the removal of the existing stairs that are within the rear and side yards and add to the excessive lot coverage. Considering the small size of the sloped and terraced back yard and the location of the living areas of the house at an elevation of eight and 16 feet above the rear yard, the deck proposed to remain is a reasonable amount of "rear yard" replacement to afford relief from this site constraint. The proposed upper deck provides a logical design response to the pre-existing upper level exit door (now unusable due to no landing) and, because it is within the foot-print of the deck below, there is no increase in lot coverage.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;

The proposed deck reduction and the demolition and replacement of the garage will have a positive impact on the public welfare and be a benefit to the adjacent properties and neighborhood.

The deck's southwest corner will be removed to create a 10 foot separation between the deck and a neighboring accessory structure on the property to the south. This separation is a life-safety requirement based on City of Seattle Amendments to Building Code provisions. The deck stairs will be removed from the rear yard, which will reduce visual encroachment of a structure as seen from the neighboring properties. The deck to remain does not cause the appearance of excessive lot coverage relative to the north and south parcels; the structure on the parcel to the north is located in its rear yard and to the west of the subject property's deck, the parcel to the south contains two structures, one of which is also to the west of the subject site's deck.

The existing garage is partially located in the ROW and completely non-conforming to Land Use Code provisions for garages in front yards. The proposed relocated garage, if terraced, would be completely on the subject site and conform to Land Use Code provisions for garage width and height in an uphill yard abutting a street. It would be a lower height than the existing above ground structure. The garage would be a positive improvement to the site and neighborhood.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The Land Use Code allows garages in uphill street-facing lots, such as this, within the lot coverage limitations. However, due to the size of the existing residence the inadequate remaining percentage of lot coverage area, a usable garage could not be constructed unless it was completely underground. Due to possible slope and elevation limitations of the proposed driveway and garage floor, a terraced garage with full roof exposure may be the only practical alternative. To deny the otherwise positive neighborhood and site improvement of an on-site and largely below grade parking area would create an undue hardship and practical difficulty.

The slope, terracing, and size of the site's rear yard poses practical difficulties to the normal use and enjoyment of an outdoor, ground related open space / yard area. Additionally, the unusual interior configuration of the house only provides exterior doorways on the upper levels, not ground level.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the intent and purpose of the Code is to assure compatibility of uses within a zone and preservation of neighborhood character.

The construction of a terraced garage is in keeping with the Land Use Code provisions to allow such garages in uphill sloping lots facing streets. The retention of the deck allows the provision of an outdoor area not practically possible because of the slope and size of the rear yard. Both are structures that would otherwise be allowed by Code if within lot coverage limits.

The minimal visual increase in lot coverage that would remain from the approval of these requests fits with the surrounding neighborhood context. The parcels to the north and south have non-conforming structures, and the neighborhood in general has structures non-conforming to current development regulations. The approval of these requests would mitigate practical difficulties caused by the site but be compatible with the surrounding development context.

Consequently, the proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist, therefore:

1. A variance to allow up to 44 percent lot coverage (2,212 square feet) for the retention of a deck more than 18 inches above grade and a terraced garage in the front yard is **CONDITIONALLY APPROVED.**

CONDITIONS – VARIANCE

Prior to submittal for Building Permits for the deck and garage and for the life of the project:

1. The deck size and configuration and maximum garage area discussed above and shown on the approved MUP plans shall be shown on submitted building plans and maintained as approved in this Master Use Permit, and shall not be altered without the approval of the Land Use Planner.

Signature: (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: November 27, 2006